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MEMO ENDORSED

April 11, 2022

ANDREW M. MACDONALD  
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**VIA E-FILING**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Thurgood Marshall United States Courthouse  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

**Re: Status Report & Joint Request for Stay  
Building Service 32BJ Health Fund, et al. v. Shamrock of New England, Inc.  
Case No. 1:21-cv-3562 (S.D.N.Y.) (ALC) (BCM)**

Judge Carter:

This firm represents Defendant Shamrock of New England, Inc. ("Shamrock") in the above-referenced action.

Shamrock and Plaintiffs Building Service 32BJ Health Fund, Building Services 32BJ Legal Services Fund, and Building Services 32BJ Thomas Shortman Training, Safety and Scholarship Fund ("Plaintiffs") (collectively, Shamrock and Plaintiffs are the "Parties") jointly filed a letter-motion on February 16, 2022 requesting a stay of proceedings for thirty (30) days to allow for the Parties to engage in settlement discussions. Your honor granted that request and requested a status report no later than March 21, 2022 regarding the progress of negotiations. By letter dated April 18, 2022, the Parties provided a status report and requested additional time to continue negotiations.

As of the date of this letter, the Parties remain engaged in settlement negotiations and have exchanged a comprehensive draft settlement agreement. Specifically, the Parties are in the process of identifying the specific documents that Shamrock will provide to the Funds so that the Funds' audit can be completed. As stated in our prior letter to the Court, a key aspect of this dispute is the Funds' claim for the production of Company books and records for the Funds' audit of Shamrock, which spans many years dating back to 2013. The primary goal of the Parties continues to be to memorialize the specific documents that Shamrock will produce to the Funds, so that we will avoid future disputes over document production and reduce the likelihood of the need for future judicial intervention.

A Pennsylvania Limited Liability Partnership

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The Honorable Andrew L. Carter, Jr.  
February 16, 2022  
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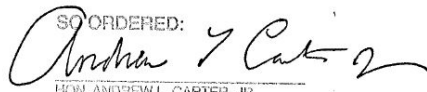
Accordingly, the Parties request an additional stay of thirty (30) days to finalize the settlement agreement. This is the Parties' third request for a stay.

Very truly yours,

*/s/ Andrew M. MacDonald*  
Andrew M. MacDonald<sup>1</sup>

cc: Hon. Andrew L. Carter, Jr. (ALCarterNYSDChambers@nysd.uscourts.gov)  
Ira A. Sturm (isturm@rsgllp.com)  
Andrew MacDonald (amacdonald@foxrothschild.com)

**Application GRANTED.** The parties shall file another joint status report no later than **May 12, 2022**.

SO ORDERED:  
  
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HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

**Dated: 4/12/2022**

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<sup>1</sup> This letter is being filed by my New York colleague, Neil A. Capobianco.